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Third Committee**Summary record of the 32nd meeting**

Held at Headquarters, New York, on Wednesday, 2 November 2005, at 9.30 a.m.

Chairman: Mr. Anshor (Vice-Chairman) (Indonesia)**Contents**Agenda item 71: Human rights questions (*continued*)*

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* Items which the Committee has decided to consider together.

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In the absence of Mr. Butagira (Uganda), Mr. Anshor (Indonesia), Vice-Chairman, took the Chair.

The meeting was called to order at 9.55 a.m.

Agenda item 71: Human rights questions (continued)
(A/60/40, 44, 129, 336, 392 and 408)

(b) **Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued)** (A/60/134, 266, 272, 286, 299, 301 and Add.1, 305, 321, 326, 333, 338 and Corr.1, 339 and Corr.1, 340, 348, 350, 353, 357, 374, 384, 392, 399 and 431; A/C.3/60/3)

(c) **Human rights situations and reports of special rapporteurs and representatives (continued)**
(A/60/221, 271, 306, 324, 349, 354, 356, 359, 367, 370, 395, 422 and Corr.1)

(e) **Report of the United Nations High Commissioner for Human Rights (continued)**
(A/60/36 and 343)

1. **Ms. Juul** (Norway) said that the report by the Special Representative on human rights defenders (A/60/339) revealed a grim reality of threats, harassment and attacks targeting human-rights defenders and their relatives worldwide. Impunity for such crimes often exacerbated the situation. Moreover, her delegation noted with concern the increase in new, restrictive legislation regulating the establishment and functioning of non-governmental organizations, which impeded their ability to conduct their work. Restrictions on the operations of human-rights defenders were a reliable indication of other human-rights violations. While several United Nations bodies had expressed an interest in the development of early-warning mechanisms to alert them to emerging peace, security and related human-rights problems, such mechanisms already existed in the form of the work of human-rights defenders. At times, the failure to respond early to warnings from human-rights defenders had allowed situations to deteriorate even further.

2. Member States must all give greater consideration to information from human-rights defenders. The Office of the United Nations High Commissioner for Human Rights (OHCHR) must also consider means of supporting United Nations offices,

departments and agencies to strengthen the role and security of human-rights defenders. Enhanced interaction between human-rights defenders and the United Nations and its personnel, in particular at the country level, was needed.

3. Her Government was currently elaborating tools to strengthen its support for human-rights defenders both at home and abroad, and commended the European Union for having adopted guidelines on human-rights defenders as well as other regional initiatives for their protection and support.

4. The mandate of the Special Representative of the Secretary-General on human-rights defenders remained a pivotal part of the United Nations human-rights machinery. The international community must now follow up on her valuable conclusions and recommendations.

5. **Mr. Aínchil** (Argentina) said that economic development, security and human rights must be given the same level of treatment. In cooperation with the High Commissioner for Human Rights, his Government had adopted a national plan against discrimination in 2005 as part of its foreign policy on human rights in accordance with the documents adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001.

6. Argentina had taken decisive judicial steps to end impunity for perpetrators of past human-rights violations at home and abroad. Essential to such efforts at the international level were the International Criminal Court and the Basic Principles and Guidelines on reparations annexed to Commission on Human Rights resolution 2005/35. His Government had also ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and welcomed the outcome of the work of drafting a legally binding normative instrument for the protection of all persons from enforced disappearance, which had brought to a close an arduous negotiating process in which Argentina had worked intensely.

7. Argentina placed high priority on the progress of the negotiations within the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities. His delegation reaffirmed its support for OHCHR and for the High

Commissioner's Plan of Action, and welcomed the agreement made to double the OHCHR budget over the next five years. It supported the special procedures of the Commission on Human Rights, and attached great importance to ongoing dialogue with civil-society organizations to ensure respect for human rights through the Commission's existing mechanisms. It also supported the creation of a Human Rights Council.

8. **Mr. Rogachev** (Russian Federation) said that United Nations activities to promote and defend human rights had reached a watershed. The Human Rights Council would be called on to help Member States to make concerted efforts to meet new threats and challenges in that area. Without widespread agreement on the composition, election procedures and mandate of the Council, its credibility could be undermined even before it was established. Member States should therefore exercise caution with respect to any decision concerning the Council. The Russian Federation continued to advocate wide-ranging, multilateral and comprehensive consultations. Until the Council was established and began its substantive work, the Commission on Human Rights, together with its special-procedures system and the Sub-Commission on the Promotion and Protection of Human Rights, must continue to function fully. His delegation urged others not to attempt to cancel the sixty-second session of the Commission.

9. The Russian Federation supported the work of the High Commissioner for Human Rights, whose visit to Russia in February 2005 had renewed relations with the Office and contributed to a better understanding of the priorities of the parties in the area of human rights. His Government looked forward to seeing an OHCHR representative installed in Moscow as soon as possible, and confirmed its invitation to the High Commissioner to visit the regions of the Russian Federation, including the northern Caucasus.

10. The horrendous terrorist attacks which had affected the entire world had put the issue of the universal right to protection against terrorism on the international agenda. The Russian Federation had repeatedly stated its readiness to strengthen international cooperation on the human-rights dimension of counter-terrorism. The prospects for such cooperation had often been thwarted, however, by attempts to distinguish between "good" and "bad" terrorists, to grant terrorists asylum in contravention of

the principle of "extradite or prosecute", or to refuse to recognize them as human-rights offenders.

11. It was time to abandon academic arguments as to whether States alone could violate human rights. The United Nations and other international organizations had taken a broader approach to human rights and recognized the active part played by non-State actors in international life. Any attempt to pursue such arguments was nothing less than speculation on the suffering of the victims of terrorist acts.

12. **Ms. Gardashova** (Azerbaijan) said that the promotion of human rights and the rule of law had been an integral part of Azerbaijan's national development strategy. Her Government attached importance to the strengthening of OHCHR and its efforts to engage directly with Member States on human-rights issues, including through provision of technical cooperation and advisory services.

13. The report of the High Commissioner (A/60/36) suggested useful and efficient ways for improving the existing human-rights mechanisms. Her Government supported reform of the existing human-rights-treaty bodies. There was sufficient scope for improving their working methods, in particular those concerning the consideration of country reports. The proposed harmonized guidelines for reporting could be useful for Member States by reducing the burden of preparing country reports and developing efficient country mechanisms for comprehensive and timely reporting.

14. Her Government supported the establishment of a Human Rights Council and trusted that it would not only be able to reveal situations of gross violations of human rights but would also address them effectively and promptly. The establishment of effective mechanisms to monitor the implementation of the decisions of the new body was of paramount importance.

15. Since regaining its independence, Azerbaijan had acceded to almost all major international human-rights instruments, and considered it a priority to implement its obligations under those documents, as well as those stemming from the Charter, the Organization for Security and Cooperation in Europe and the Council of Europe. Reform of Azerbaijan's judicial and penitentiary systems was currently under way. Measures had been taken to recruit new staff for the courts and prosecutor's offices, and prison censorship for correspondence between prisoners and their

attorneys had been abolished. The new election code had been further amended in 2005 in accordance with the recommendations of OSCE and the Council of Europe. The Penal Code was being periodically amended to reflect Azerbaijan's international commitments. Furthermore, amendments to the Constitution had granted citizens the right to appeal to the Constitutional Court.

16. Although the protection of the human rights of minorities contributed to the stability of the States in which they lived, their rights should not be interpreted so as to contradict the fundamental principles of international law, in particular the principles of territorial integrity, sovereign equality and political independence set forth in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

17. The United Nations must assume a leadership role in efforts to protect internally displaced persons. Recognizing that States bore primary responsibility for their protection, Azerbaijan, which had one of the highest numbers of displaced persons in the world, spared no effort to ensure their basic rights by enacting various humanitarian and development programmes. The international community must take into account the challenges faced by States with displaced populations and the capacity of Governments to meet them.

18. Lastly, she stressed the importance of effective coordination among international organizations at the country level to avoid duplication of activities and ineffective use of available resources.

19. **Ms. Laohaphan** (Thailand) said that success in promoting and protecting human rights for all must be measured by how international human-rights norms really affected the life of each individual. Her delegation therefore welcomed the Plan of Action submitted by the High Commissioner for Human Rights (A/59/2005/Add.3) as well as her report (A/60/36).

20. Nevertheless, States had the primary responsibility for ensuring that all persons within their jurisdiction enjoyed their human rights in a full and equal manner, assisted by OHCHR through effective country engagement. Her delegation noted with satisfaction that OHCHR was currently developing policy guidance for country engagement to facilitate a more holistic and sustainable approach to its work.

21. It was essential for OHCHR to render technical assistance to States at their request to enhance their capacity and ensure that national human-rights actors such as the judiciary and law-enforcement officials were provided with the necessary skills and knowledge. Technical assistance must be packaged in a way that was sensitive to the specific needs, cultures, traditions and values of each State.

22. Her delegation agreed with the High Commissioner's proposal to establish standing capacities for rapid response, fact-finding and investigations. Well-coordinated efforts between the Human Rights Council and all United Nations human-rights machinery, including OHCHR and the United Nations country teams, were essential for early detection of human-rights violations.

23. Her delegation welcomed the doubling of OHCHR regular-budget resources over the next five years. That must be coupled with an enhancement of the capacity of OHCHR, including management and geographically balanced recruitment. A pool of staff with diverse backgrounds and experiences was much needed.

24. Lastly, she noted with satisfaction the establishment of a unit within OHCHR to provide States with advice on a rights-based approach to achieving the Millennium Development Goals and realizing the right to development. Sustainable development could be attained only if based on human rights. Likewise, human rights could not be ensured if development and security were not well in place. More could and should be done to explore the linkages between development, security, and human rights.

25. **Mr. Hyassat** (Jordan) said that his delegation welcomed the establishment of the Human Rights Council, which would advance the human-rights agenda of the Organization. Member States must take full advantage of the momentum gained to ensure that the Council discharged its mandate effectively.

26. While his Government condemned all forms of terrorism, any counter-terrorist measures must be in accordance with international human rights and with refugee and humanitarian law. His delegation therefore welcomed the establishment of the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and his preliminary report (A/60/370). In addition, it was also crucial to address

the underlying causes of the scourge and to raise public awareness to prevent it.

27. He welcomed the progress made by the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, as outlined in its report (A/60/266).

28. His delegation also commended the work of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. His excellent report (A/60/271) demonstrated that the Palestinian people were increasingly affected by Israel's violations of human rights and international humanitarian law in the Occupied Palestinian Territory. His Government therefore called on the Israeli Government to fulfil its obligations under international law, including those put forward in the advisory opinion of the International Court of Justice of July 2004 on the legal consequences of the construction of the wall. While his delegation welcomed the Israeli withdrawal from Gaza, Israel remained subject to the Fourth Geneva Convention and was responsible for ensuring the protection and welfare of Palestinians. The withdrawal should also be part of the road map and help the parties concerned to reach a just and lasting peace in accordance with the relevant United Nations resolutions.

29. **Ms. Davtyan** (Armenia) said that the decision to create the Human Rights Council was a milestone which, hopefully, would help to elevate human rights in the work of the United Nations. Her delegation supported the strengthening of OHCHR and hoped that it would be able to improve its response to existing challenges. As the primary responsibility for human rights lay with Governments, it attached particular importance to enhancing State capacities in meeting their human rights obligations.

30. It welcomed the recognition by the 2005 World Summit of the international community's responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and reaffirmed its support for the Special Adviser to the Secretary-General on the Prevention of Genocide. It also hoped that an effective early-warning mechanism could be elaborated to prevent the recurrence of such tragedies.

31. Her delegation emphasized the importance of human rights and democratic foundations in conflict-

torn societies and called on the international community to provide assistance to the parties in conflict who had embarked on the road to democracy.

32. The Armenian Government was continuing to work on building a democratic society and promoting respect for human rights. It was fully committed to its obligations as a member of the Council of Europe and had been working closely with the monitoring group responsible for follow-up. Armenia had carried out significant legislative and judicial reforms and a referendum on constitutional amendments was about to take place. The proposed amendments would bring the Constitution into alignment with European standards by enhancing the independence of the judiciary and promoting local democracy and freedom of the media. The Council of Europe had monitored the recent local elections and had deemed them satisfactory.

33. **Ms. Rasheed** (Observer for Palestine) said that Israel continued to violate the human rights of the Palestinian people by killing and wounding civilians, including women and children, and by destroying homes and property. The continued restriction of movement had led to a further deterioration of the already dire economic and social conditions of the Palestinian people, affecting access to jobs, schools, health care, food and water.

34. More than 8,000 Palestinians were being held in Israeli prisons or detention centres, where they lived in deplorable conditions and were subjected to physical abuse and even torture. Access to the outside world, including families and legal representation, was severely restricted.

35. The Israeli occupation was, in and of itself, a grave violation of the rights of the Palestinian people, including their inalienable right to self-determination and freedom. Under international law, Palestinian civilians were considered protected persons and as an occupying Power, Israel was obligated to ensure their safety and well-being.

36. The widespread destruction of hundreds of homes and properties had continued during the period under review, including in East Jerusalem. According to the report of the Special Rapporteur on the situation of human rights in the Palestinian territories (A/60/271, para. 29), the purpose of the destruction was to increase the Jewish population and undermine Palestinian claims to East Jerusalem as the capital of an independent Palestinian State.

37. The construction of the wall and the settlement campaign had also had catastrophic implications for human rights. Israeli settlers continued to torment Palestinians and destroy their lands with complete impunity, and had even beaten and terrorized Palestinian children on their way to school. Palestine called upon Israel to cease its construction of the wall and dismantle the existing parts, in accordance with the advisory opinion of the International Court of Justice.

38. Although the dismantling of Israeli settlements in Gaza was a significant step, the Israeli disengagement failed to recognize any Palestinian concerns and left many critical issues unresolved. Israel remained an occupying Power in Gaza and as such, was bound to the provisions of the Fourth Geneva Convention. It was time to reverse the human suffering caused by many years of occupation and continual Israeli assaults, and grant the Palestinian people their right to live in freedom, dignity, and peace.

39. **Mr. Southcott** (Australia) said that the new Human Rights Council would have to deal with the most pressing of human-rights challenges, namely bringing to account Governments that did not respect the human rights of their people.

40. His Government welcomed the signing of the historic agreement to end hostilities between the Government of Indonesia and the Free Aceh Movement, and encouraged the Indonesian Government to ensure freedom of worship as permitted under Indonesian law and to prosecute those who committed violence against people of faith. His Government was also encouraged by the agreement with Timor-Leste to establish a truth and friendship commission on past human-rights abuses.

41. His Government was pleased that China appeared to be increasingly aware of the need to improve its human-rights practices and urged it to press ahead with reform, including in relation to the death penalty and reform of the re-education-through-labour system. China was urged to allow its citizens greater freedom of expression, association, assembly and faith. China was also urged to ratify the International Covenant on Civil and Political Rights as soon as possible.

42. Australia welcomed Israel's withdrawal from Gaza, following which the Palestinian Authority must continue to reject violence and control terrorist activities. Australia urged all sides to sustain their efforts towards a two-State solution involving an

independent, democratic and viable Palestinian State which respected Israel's security and right to exist.

43. The Iraqis had demonstrated once again their great courage and determination to take control of their country's future by turning out for the constitutional referendum in large numbers and by voting in the face of intimidation by a small but violent minority. Australia was impressed by their achievements but also condemned the continuing terrorist attacks.

44. Australia was pleased that Afghanistan was making progress towards becoming a viable democratic State and that the King of Nepal had called for general elections to be held by 2007. In the Sudan, there had been some encouraging developments, but the Government of National Unity must rein in pro-government militias and prosecute those responsible for crimes against humanity.

45. Australia was deeply concerned about the situation in Myanmar, whose Government had failed to ensure that basic standards of human rights were being met, in accordance with its international obligations. Australia strongly urged the Government to commit to a peaceful and inclusive democratic transition and national reconciliation.

46. Australia urged the Democratic People's Republic of Korea to reconsider its decision to end the in-country humanitarian operations of multilateral organizations by the end of 2005. It was particularly concerned about the arbitrary detention and execution of political prisoners and the severe restrictions on the movement of people and on religious freedom. The People's Democratic Republic of Korea must provide access to the country by the Special Rapporteur.

47. Australia considered that electing countries like Zimbabwe to the Commission on Human Rights diminished its credibility. Australia continued to condemn Zimbabwe's systematic use of State-sponsored violence, intimidation and harassment, anti-democratic legislation and the use of food as a political tool.

48. With regard to the Islamic Republic of Iran, Australia remained concerned about the ongoing suppression of freedom of expression, discrimination against women and minority groups, and deficiencies in the administration of justice. It was particularly alarmed at the execution of minors, including for "morality crimes". The comment by the Iranian

President that Israel should be "wiped off the map" was completely unacceptable and in contravention of the Charter.

49. **Mr. Mavroyiannis** (Cyprus) said that his Government supported the decision to strengthen and broaden the mandate of OHCHR and to establish an action-oriented Human Rights Council.

50. Ever since Turkey's invasion of Cyprus in 1974, nearly one third of the island's population had been illegally and arbitrarily deprived of their property rights and forcibly displaced from their ancestral homes. The obligations of Turkey had been clearly affirmed by a series of rulings of the European Court of Human Rights. Moreover, the Principles on Housing and Property Restitution for Refugees and Displaced Persons recently adopted by the Sub-Commission on the Promotion and Protection of Human Rights clearly outlined the framework within which cases of displacement such as those that had occurred in Cyprus were to be resolved.

51. The continuing occupation of the northern part of Cyprus affected not only those who had been forcibly expelled from their homes but also those who remained. Turkey continued to violate such rights as freedom of thought, expression and religion, the right to education, the right to peaceful enjoyment of one's property and the right to respect for one's private life. Cyprus was also gravely concerned about the unwillingness of the Turkish authorities to investigate the fate of Greek Cypriot missing persons.

52. Any definitive solution to the persistent violations of human rights in Cyprus would have to include a termination of the artificial partition of the island, which had been imposed along ethnic lines and in full contradiction of the island's traditionally multi-ethnic character and of the will of the Cypriot people.

53. **Mr. Siv** (United States of America) said that, despite positive developments in Iraq, Afghanistan and Indonesia, and in the West Bank and Gaza, elsewhere the struggle for freedom continued to encounter roadblocks.

54. The Iranian Government continued to deprive its people of freedom through summary executions, disappearances, torture and restricted freedom of speech, assembly and religion. The imprisonment of activist Akbar Ganji solely for his advocacy of a representative and accountable government was a

serious violation of human rights and the 2005 presidential election, in which the un-elected Guardian Council of Clerics had decided who could run, had failed to meet international standards. Women and minorities, including non-Muslims such as the Baha'i, continued to face cruel discrimination. The United States therefore urged the Committee to pass a strong resolution on that deplorable situation.

55. The regime in the Democratic People's Republic of Korea remained one of the most oppressive in the world, denying its citizens the most basic freedoms of religion, conscience, speech, assembly and association. Prisoners were tortured, starved and ultimately executed. It was impossible to change the Government through elections. Again, the United States urged the Committee to pass a resolution addressing the human-rights situation in that country.

56. The human-rights situation in Turkmenistan remained extremely poor. Freedom of assembly, speech and the press was non-existent and political opposition was strictly prohibited. The President ruled by decree and none of the other government bodies had any real authority. The United States sought the support of Committee members for its draft resolution addressing that situation.

57. With respect to nearby Uzbekistan, there must be an independent, international investigation of the reported shootings in Andijan and the accused must be tried openly and fairly. He urged the Committee to adopt a draft resolution expressing concern about Andijan. The United States was also deeply concerned about the harassment of journalists and non-governmental groups and called upon the Government to stop its repression. It urged Tashkent to encourage freedom for all religious groups.

58. The junta in Rangoon had become one of the world's greatest human-rights violators. Over 1,000 political and religious prisoners were in detention and Aung San Suu Kyi remained cut off from the rest of the world. If unaddressed, the repression could have implications for regional stability. The Committee could help express the concern of the international community by passing a strong draft resolution addressing that situation.

59. With respect to the Democratic Republic of the Congo, the Committee should support efforts to bring about effective governance, respect for human rights

and the rule of law, including the forthcoming constitutional referendum and general elections.

60. The United States was appalled by the continued violence in Darfur, southern Sudan, and the grave humanitarian needs of over two million people displaced as a result of genocide and ongoing conflict. Government security forces were responsible for extrajudicial killings, disappearances, arbitrary arrest, torture and rape and often acted with impunity. The Government of National Unity was urged to build upon the Comprehensive Peace Agreement and improve its human-rights record throughout the country by establishing accountability for atrocities, especially those committed against women in camps for internally displaced persons. The United States urged all parties to end the violence in Darfur and reach a political settlement that would enable internally displaced persons and refugees to return safely.

61. The President of Belarus had created a dictatorship in the heart of Europe. The Government denied its citizens their human rights, and new legal measures monopolized information and obstructed political opposition and democratization. The 2004 referendum that had allowed the President to seek a third term did not meet international standards. The United States called upon Belarus to reverse its current course.

62. Cuba had failed to take steps that would guarantee its own people human rights. Instead, it had persisted in imposing a totalitarian state that deprived the Cuban people of the right to express dissent and of a voice in any kind of possible political and economic reform.

63. Despite certain improvements, China's human-rights record remained poor. The Government continued to harass citizens for their religious beliefs and remained intolerant of those wishing to express independent political and social views. The flow of information was severely limited. The use of counter-terrorist measures to repress minorities such as the Muslim Uighurs was also a source of deep concern. The United States sought to engage with China to improve its record.

64. The human-rights record of the Syrian Arab Republic had worsened owing to the increasing number of arbitrary arrests and detentions. Some of the "Damascus Spring" reformers arrested in 2001

remained in detention and security forces continued to torture, arbitrarily arrest and detain dissidents.

65. Zimbabwe continued to violate the most basic rights of its citizens, most recently uprooting hundreds of thousands of the country's poorest by bulldozing their homes. It continued to undermine any democratic reform by severely repressing opposition parties in view of upcoming elections.

66. It was not enough to condemn human-rights violations. States also needed to support young democracies by making the best possible use of United Nations human-rights mechanisms and making larger contributions to the new United Nations Democracy Fund. The extraordinary developments in Georgia, Ukraine and Kyrgyzstan had shown that, although freedom was threatened in some parts of the world, it had asserted itself in others.

67. **Mr. Requeijo Gual** (Cuba) said that those who continued to attack the human-rights record of Cuba and other countries of the South had not adopted a universal, non-selective approach and that their allegations were frequently based on current geopolitical interests. His Government reiterated the overriding importance of respect for national sovereignty and self-determination as well as for cultural, religious, political, economic and social diversity. The frequently documented examples of double standards and hypocrisy shown by the European Union and the United States on human rights would not lead to genuine cooperation.

68. In the European Union, for example, prostitution was widespread and racism, racial discrimination and xenophobia had increased. The European Union portrayed mercenaries seeking to undermine Cuba's right to self-determination, as human-rights defenders. Meanwhile, for two successive years it had prevented the adoption of a draft resolution calling for an investigation into scandalous cases of torture and abuse at the illegal United States naval base at Guantánamo.

69. The statement by the delegation of the United States was another example of cynicism and political amnesia whereby the main violator of all human rights, a country which did not recognize the right to development or health, presented itself as the champion of human rights. It was the United States that had supported Batista's bloody dictatorship, conspired with other Latin-American dictatorships in the disappearance of thousands of human-rights defenders,

defended and armed the apartheid regime in South Africa, massacred millions of Vietnamese, employed coercive and unilateral measures contrary to international law, and interfered in the democratic processes of those Governments it disliked.

70. The United States was a model for political abuse and racial discrimination; its prisons were disproportionately overcrowded with African-American and Latin-American inmates; it did not regard torture as a federal crime and applied the death penalty at record levels, with no allowance for minors or the mentally ill; and its political life was tainted by electoral fraud and corruption. While the United States claimed to be a paragon of the rule of law and had declared war on terrorism, it nevertheless sheltered known terrorists, such as Luis Posada Carriles and Orlando Bosch, financing scandalous Presidential pardons for such terrorists and preventing them from being brought to justice.

71. Freedom and democracy were not exclusive to the countries of the North, which had not been authorized to judge and determine the political and social organization of other equally sovereign nations. The manipulation of international cooperation in the area of human rights was an insuperable obstacle to the realization of all the rights of Cuba's people and it transformed the international debate on human rights into an instrument of domination.

72. The reform of the Commission on Human Rights must put an end to such behaviour. The crisis in the Commission had arisen because of the political manipulation, selectivity, politicization, double standard, blackmail and hypocrisy practised by a group of developed countries whose sole objective had been the imposition of their own political interests. It seemed very likely that the future Human Rights Council would inherit the same problems. To change the state of the world it was necessary to change the current unfair, unequal and unipolar international order.

73. **Mr. Matsis** (Greece) said that as long as a large section of Cyprus remained under the effective control of the Turkish armed forces it would not be possible to implement the resolutions of the United Nations or the judgements of the European Court of Human Rights on Cyprus. The military invasion and occupation of Cyprus by Turkey had resulted in persistent violations of human rights. In 2001, the European Court of Human Rights had found Turkey responsible for

numerous violations of the European Convention on Human Rights with respect to the enclaved Greek-Cypriots in the northern part of Cyprus. Turkey must rectify that situation.

74. The occupation forces had displaced nearly one third of the island's population from their ancestral homes, denying them the right to return. Furthermore, in a sustained effort to change the demographic balance of the island, over 120,000 settlers from mainland Turkey had been illegally transferred to the occupied part of the island since 1974. Systematic acts had also been carried out against the island's cultural heritage, including the destruction of more than 500 Greek Orthodox churches. Despite the efforts of the Government of Cyprus and recent positive developments, the fate of many missing persons remained unresolved. His delegation hoped that the Government of Turkey would engage constructively in order to resolve that problem.

75. His delegation had taken note that Turkey was undertaking comprehensive reforms to bring its human-rights legislation into line with international norms. He hoped that those reforms would be successful, leading to an improved human-rights situation in Cyprus. The accession of Cyprus to the European Union had created a favourable environment for a just and viable settlement. The sustainable reconciliation and reunification of Cyprus should be based not only on the relevant Security Council resolutions and efforts of the Secretary-General but also on the European Union Community *acquis* and European Union principles. In that regard, he noted that the negotiating framework for Turkey's accession to the European Union was based, *inter alia*, on compliance by Turkey with the rule of law and respect for human rights.

76. **Mr. Kruljević** (Serbia and Montenegro) said that Serbia and Montenegro had made enormous efforts to improve human rights and he profoundly regretted that the United Nations was partly to blame for the lack of basic human rights in the province of Kosovo and Metohija. Six years after the United Nations Interim Administration Mission in Kosovo (UNMIK) had assumed responsibility for the province, members of the minority Serbian and Roma communities were frequently victims of inter-ethnic violence that often went unreported and unpunished. Security and freedom of movement in the province remained precarious, impeding the exercise of economic and social rights.

Property rights were also not respected and there was widespread occupation of land and illegal construction with virtual impunity. Kosovo Serbs and other minorities were struggling to preserve their languages, as well as their cultural and religious heritage.

77. There could be no peace, security or development without human rights, and only by ensuring the human rights of all inhabitants in Kosovo and Metohija would it be possible to attain stability, multi-ethnicity and prosperity in the province. UNMIK and the provisional institutions of self-government had a clear responsibility in that regard.

78. **Ms. Bachchan** (India) said that the direct relationship between development and enjoyment of human rights was undeniable, as was the linkage between freedom and human rights. As a signatory to nearly all the major human-rights instruments, India had consistently promoted civil and political rights as well as economic, social and cultural rights.

79. Without a favourable international economic and financial environment and the fulfilment of human-rights obligations everywhere, universal adherence to human-rights standards would remain an elusive goal. The strengthening and building of national capacities should be at the centre of international efforts to promote human rights.

80. An approach based on dialogue and consultation was desirable for securing an improvement in human rights. India did not favour intrusive monitoring and finger pointing when dealing with specific human-rights situations in various countries. Moreover, a distinction must always be made between a democratic country that was responsive and an inherently repressive country that was unable or unwilling to improve. The rule of law and democracy were essential for promoting human rights. Democracy, development and respect for human rights were mutually reinforcing values which provided the foundation for a holistic conception of human rights.

81. The democratic way of life was a deeply rooted article of faith for over a billion Indians whose nation had a democratic, pluralistic and secular society, an autonomous and impartial judiciary, a vibrant civil society, a free media and independent human-rights institutions. Those elements helped to guarantee the protection and promotion of human rights. The recent enactment by Parliament of a rural-employment-guarantee programme was a step towards the

justiciability of economic and social rights, and the recent adoption of a law on freedom of information aimed to promote openness, transparency and accountability in all government departments.

82. Proposals for greater country engagement by OHCHR should focus on national capacity-building through the provision of technical assistance and advisory services. The Office should not give the impression of intrusiveness to the country concerned, and special procedures should have limited mandates and avoid overlap. Her delegation would also welcome early action on the treaty-body reform initiated by OHCHR.

83. Terrorism had emerged as one of the main threats to democracy and human rights, including the right to life. The notion that human rights could be violated only by States was misleading and dangerous. States were responsible for the security of their people, but they must also be mindful of their responsibility to protect human rights. The challenge was to strike the right balance between tackling terrorism and observing international law and human-rights standards.

84. With regard to setting up a Human Rights Council, the international community should not lose sight of the principle of universality. The new Council should be non-discriminatory to avoid the shortcomings of the Commission on Human Rights, and the task of setting it up should be completed during the current session of the General Assembly.

85. **Mr. Akram** (Pakistan) said that, for the human-rights mechanisms of the United Nations to be credible, they had to be operated in a non-discriminatory and objective manner, without selectivity or political motivation. That was not yet the case. The reports of the Special Rapporteurs had shown an apparent lack of sensitivity to cultural diversity and respect for religious belief. Some of them resembled charge sheets against the countries visited; some contained unsubstantiated allegations made by political opponents. A cooperative and problem-solving approach was the best way of defending victims.

86. He encouraged the Special Rapporteur on the protection of human rights while countering terrorism to adopt a comprehensive, long-term strategy to address the root causes of terrorism. Those causes included poverty and denial of economic, social and political justice, especially the right to self-determination. On the question of human-rights

defenders, a code of conduct was needed to define their role, which should not be geared to a specific political or social agenda.

87. The new Human Rights Council should work for the promotion and protection of all human rights in a cooperative manner, while adopting a proactive approach to situations of armed conflict and foreign occupation. His delegation supported the proposal that the Council be empowered to dispatch fact-finding missions to investigate such situations.

88. He supported the promotion by the High Commissioner for Human Rights of a thematic rights-based approach and said that her Plan of Action should outline concrete goals and practical steps to combat poverty, discrimination and violence, especially in situations of armed conflict. The High Commissioner's Office needed to be more proactive in developing a legally binding instrument on the right to development, which was central to the new approach for the protection of human rights. The Office should be accountable to the Human Rights Council for budgetary and financial matters; it should maintain equitable geographical distribution; and its use of voluntary funding should be phased out in favour of a regular budget enhanced by additional funding.

89. **Mr. Diallo** (Mali) said that, following Mali's appeal for solidarity in surmounting the impending food crisis, the Government had adopted a national strategy for food security, appointed a commissioner, set up committees, drawn up plans and created a national cereal bank. Thousands of tons of cereals had been distributed free to the most affected areas, and other measures had been taken to assist vulnerable groups.

90. Just as all those measures had been made possible by the support of Mali's partners, so the Millennium Development Goals required a global partnership for development, as stipulated in Goal 8. Agriculture in Mali also needed to be protected against the uncertainties of climate, in particular through mechanization and the improvement of farming practices. With the help of its partners, it was endeavouring to take the necessary measures, including the drafting of a law on agriculture.

91. **Mr. Laurin** (Canada) welcomed the opportunity to look at the state of protection of human rights in the world and to underscore the linkages between human rights, humanitarian issues, development and security.

He noted that there were many instances where Member States fell short of their obligations. In Turkmenistan and Uzbekistan, arbitrary arrest, detention and torture were common; in the Democratic People's Republic of Korea, which was closed to independent scrutiny, lack of respect for human rights was endemic; in Syria, detainees continued to suffer physical abuse, including torture; in Nepal, there had been an increase in human-rights violations, including torture, arbitrary arrest, extrajudicial killings and disappearances; in the Islamic Republic of Iran, repression of political dissent had increased and executions, including executions of children, without internationally recognized safeguards, continued, as did torture and discrimination against women and minorities, practised with impunity. Pointing out that Iran had not complied with past United Nations resolutions on its human-rights situation, he said that Canada had for the third consecutive year drafted a resolution on the subject. He called for the support of the international community in pushing for change in that country. In Cambodia, steps had recently been taken to limit political opposition and freedom of expression; in Zimbabwe, there was widespread disdain for human rights and continued restrictions on freedom of speech, association and the press; in Burma, fundamental freedoms continued to be trampled on and minorities were plundered by the army, which systematically used forced labour.

92. **Ms. Thidar Myo** (Myanmar), speaking on a point of order, said that her country's official name was Myanmar.

93. **Mr. Laurin** (Canada) said that he would continue to call it Burma so long as its name had not been changed by a democratically elected government.

94. **Ms. Thidar Myo** (Myanmar) said that she regretted having to resort to a point of order to demand that the name used to refer to her country be that officially recognized by the United Nations.

95. **Mr. Laurin** (Canada) said that in Pakistan, despite recent reforms, human rights continued to be violated through religious discrimination, child labour, blasphemy laws and flouting of the rights of minorities and women. He noted China's efforts to develop its legal system; severe restrictions on freedom of expression and association should therefore be lifted in accordance with the rule of law, which also required the cessation of extrajudicial measures such as

re-education through labour. He welcomed steps taken to improve human rights in Burundi and Georgia. Regarding Uganda, he called on the Government to improve the security and living conditions of internally displaced persons and, together with the Lord's Resistance Army, to put an end to the conflict. He likewise called for continued efforts towards a just and peaceful solution to the conflict in the Sudan, where increased violence had hindered the delivery of international humanitarian assistance. Regarding India and Pakistan, the Governments were to be commended for allowing humanitarian workers access to the tsunami- and earthquake-affected areas, and also for taking measures against human trafficking and illegal adoptions.

96. Impunity was a central concern, since human-rights violations would continue so long as it persisted. Ivory Coast, where killings of civilians remained unpunished, thus failed in its international human-rights obligations. Afghanistan, too, while it had taken significant steps to promote human rights and establish the rule of law, still allowed impunity for perpetrators of acts of violence. In Sierra Leone, while human-rights concerns remained, the Special Court had made progress, but was impeded by lack of funding.

97. Canada was aware of its own shortcomings, which it was working to address in an open and transparent fashion. It cooperated fully with the United Nations special mechanisms and was committed to ensuring that multilateral human-rights bodies were strengthened. It thus looked forward to contributing to the operation of the new Human Rights Council.

98. **Mr. Alaei** (Islamic Republic of Iran) said that agenda item 71 (c) tended to be used as a means of fault-finding rather than as a tool to promote human rights through understanding, cooperation and dialogue. Canada had criticized Iran for its human-rights record and had submitted a draft resolution to that effect. His country was not perfect in that regard, but nor was Canada.

99. He quoted passages from a statement of the Working Group on Arbitrary Detention of June 2005, a report of the Committee against Torture of July 2005, a report of the Special Rapporteur on indigenous peoples of December 2004 and a report of the Human Rights Committee. All those passages were evidence of Canada's human-rights violations and raised the question whether the Third Committee should consider

adopting a draft resolution on the subject. He was certain that it would not do so, because of political considerations.

The meeting rose at 12.35 p.m.